

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STRIKE 3 HOLDINGS, LLC,

No. 2:20-cv-02128-TLN-CKD

Plaintiff,

ORDER

v.
JOHN DOE subscriber assigned IP address
107.205.185.83,

Defendant.

On January 22, 2021, plaintiff filed an ex parte application to extend the time within which to effectuate service on defendant. (ECF No. 8.) Under Federal Rule of Civil Procedure 4(m), if a defendant is not served within 90 days after the complaint is filed, then the court must either dismiss the action without prejudice or, for good cause, order that service be made within a specified time. Fed. R. Civ. P. 4(m). Plaintiff contended that it was unable to comply with Rule 4(m)'s service deadline. Thus, plaintiff asked the court to extend the service deadline under Rule 4(m) by an additional 30 days, so that the deadline to effect service be extended to February 22, 2021. Id. ¶ 7. The court subsequently granted plaintiff's request. (ECF No. 9.)

Now, plaintiff states it is engaging in informal discussions with an individual who represents himself to be defendant's counsel regarding potential settlement and requests an additional 60 days to effect service on defendant. (ECF No. 13 ¶ 11; ECF No. 13-1 ¶ 5.) Plaintiff further represents that this request is unopposed. Id. ¶ 12.

1 Accordingly, IT IS ORDERED that:

- 2 1. Plaintiff's ex parte application for extension of time within which to effectuate
3 service on defendant (ECF No. 13) is GRANTED. The deadline to effectuate
4 service under Rule 4(m) is hereby extended to April 23, 2021.
- 5 2. None of the limitations, conditions, or obligations set forth in the court's order
6 granting plaintiff's ex parte application to serve third party subpoena (ECF No. 7)
7 are obviated or modified by the extension of time granted herein. Plaintiff's
8 failure to comply with the terms of the order granting plaintiff's ex parte
9 application to serve third party subpoena (ECF No. 7) may result in the imposition
10 of sanctions against plaintiff or plaintiff's counsel, as authorized by statute, rule, or
11 the inherent power of the court.

12 Dated: March 1, 2021

Caryn K. Delaney

13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

15 18.2128.extension

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